

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301  
Indianapolis, IN 46204  
(317) 233-0696  
<http://www.in.gov/legislative>

**FISCAL IMPACT STATEMENT**

**LS 6565**

**BILL NUMBER:** HB 1062

**NOTE PREPARED:** Jan 22, 2004

**BILL AMENDED:**

**SUBJECT:** Various Title 33 Provisions.

**FIRST AUTHOR:** Rep. Foley

**FIRST SPONSOR:**

**BILL STATUS:** CR Adopted - 1<sup>st</sup> House

**FUNDS AFFECTED:**     **GENERAL**  
                              **DEDICATED**  
                              **FEDERAL**

**IMPACT:** Local

**Summary of Legislation:** This bill has the following provisions:

- A. It removes the terms "shorthand" and "longhand" from laws concerning court reporters to conform to modern court reporting procedures.
- B. It specifies that, with certain exceptions, the Commission on Judicial Qualifications for the Supreme Court and Court of Appeals is also the commission on judicial qualifications for trial court judges.
- C. It specifies that, after a hearing is conducted, a township board in Marion County may determine: (1) whether a small claims court division should be established or abolished in the township, if the township has a population of less than 15,000; (2) whether a small claims court division should be full-time or part-time; (3) the location of the small claims court division courtroom and offices; and (4) other matters.
- D. It specifies the criminal intent necessary for a prosecuting attorney or deputy prosecuting attorney to commit a Class B misdemeanor for dividing the compensation of a deputy prosecuting attorney.
- E. It repeals conflicting provisions concerning court fees and credit card service fees.
- F. It requires a court clerk to collect a credit card service fee from a person using a bank or credit card if a vendor transaction charge or discount fee is billed to the clerk or charged directly to the clerk's account.

**Effective Date:** July 1, 2004.

**Explanation of State Expenditures:**

**Explanation of State Revenues:**

**Explanation of Local Expenditures:** *Provision C:* If the population of any township in Marion County falls

below 15,000, then a township board must conduct a hearing concerning whether the township court should be continued or abolished. The township with the smallest population in Marion County has 9,000 more than this 15,000 threshold.

Consequently, no township in Marion County will have to address this issue in the near future.

<b>Township</b>	<b>2000 Population</b>
Decatur	24,726
Franklin	32,080
Pike	71,465
Perry	92,838
Warren	94,023
Lawrence	111,961
Washington	132,845
Wayne	133,461
Center	167,055

The board in each township, no matter the size of the population, would also be required to conduct a hearing to determine whether the small claims court division should be full-time or part-time and where the small claims court should be located.

**Explanation of Local Revenues:** *Provisions E and F:* Under current law, two versions of IC 33-19-6.5-2 conflict about whether a person who pays by credit card to pay a fine, a civil penalty, court fee, or document fee is required to pay any service fee imposed by the credit card company. One version of this section requires the payer to also pay the service fee, and one version indicates that payment is at the discretion of the clerk. If some courts are currently absorbing this transaction cost, then assigning the service fee to the payer will increase the revenue that is deposited in the local general funds that the courts receive. The number of counties that are currently absorbing the service fee from credit cards instead of requiring the payer to pay the fee is not known.

Similar ambiguous language exists in current statute concerning the credit card service fees for posting bail either before or after trial. There would be no change in revenues and consequently no fiscal impact associated with the amendments to the bail bond language.

**State Agencies Affected:**

**Local Agencies Affected:** Trial courts; Marion County Small Claims Courts.

**Information Sources:** U.S. Census.

**Fiscal Analyst:** Mark Goodpaster, 317-232-9852.